

NEW MEXICO ARMY AND AIR NATIONAL GUARD
OFFICE OF MILITARY AFFAIRS
OFFICE OF THE ADJUTANT GENERAL
SANTA FE, NEW MEXICO 87502-4277

AGONM Technician Personnel
Regulation Number 351
Change 2

28 June 1994

TECHNICIAN PERSONNEL (ARMY & AIR)
REDUCTION IN FORCE

AGONM TPR 351 is changed as follows:

Pen and Ink Change -

Page 6 - Paragraph c., fifth line and eighth line - Delete or military rating.

Paragraph should read as follows:

c. Factors that may affect a technician's retention standing and must be taken into consideration are probation/trial periods (projected dates of completion should be used), appeals, and new ratings if an appeal is processed before the effective date of a reduction in force. This means that an officially approved performance appraisal currently on file will be the one used once reduction in force has been granted. Once authority for a reduction in force has been received, receipt of a new performance appraisal will not affect the technician's retention standing in the current reduction in force. However, if a decision on an appealed performance appraisal is issued prior to the effective date of reduction in force personnel actions, the new appraisal will be used. Therefore, rating cycles should be considered in conducting a reduction in force. (Authority: NGB TPR 300/351 dated 22 November 1993)

Page 7 - Paragraph (3)_, first line - Add an s to pecial (typographical error).

Paragraph should read as follows:

(3) To allow for completion of a special project or assignment for 90 days or less, depending on funding and manpower restrictions. (This exception is justified only in unusual cases where projects or assignments were already started at the time of a reduction in force, and a higher standing technician could not take over the duties.)

FOR THE ADJUTANT GENERAL:



RUDY F. GONZALES, GM-13

Support Personnel Management Officer

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NEW MEXICO ARMY AND AIR NATIONAL GUARD
OFFICE OF MILITARY AFFAIRS
OFFICE OF THE ADJUTANT GENERAL
SANTA FE, NEW MEXICO 87502-4277

AGONM Technician Personnel
Regulation Number 351
Change 1


24 March 1993

TECHNICIAN PERSONNEL (ARMY & AIR)
REDUCTION IN FORCE

AGONM TPR 351 is changed as follows:

Remove Cover Page, page 5, 6, 11, 12, 13 and 14. Insert Cover page, page 5, 6, 11, 12 and 13. This change reflects change 11 to NGB TPR 300 (351) dated 15 Jan 93 which eliminated the use of a Military Appraisal.

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STATE OF NEW MEXICO
OFFICE OF MILITARY AFFAIRS
SANTA FE, NEW MEXICO 87501

AGONM Technician Personnel
Regulation Number 351

1 October 1982

TECHNICIAN PERSONNEL (ARMY & AIR)

REDUCTION IN FORCE

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This regulation supersedes ACONM Technician Personnel Regulation 351, dated 1 April 1977.

b. Separate competitive levels are required within the same series and grade and within the same trade or occupation when differences exist that are significant in recruitment, training, or areas of assignment; for example, an electronics mechanic (radar) and an electronics mechanic (power equipment).

c. Positions may not be assigned to competitive levels on the basis of the sex of the incumbents, unless the jobs involve combat units where a woman could not be assigned militarily.

d. A competitive level may consist of only one position when that position is not interchangeable or similar to other positions.

e. Technicians in positions requiring military membership will not be placed in the same competitive level as those not requiring military membership.

f. Supervisory positions will not be placed in the same competitive level as nonsupervisory positions.

CHAPTER 4. ESTABLISHMENT OF RETENTION REGISTERS (REQUIREMENT 2)

a. A retention register will be established before releasing a competing technician from his competitive level. The register will show the competing technicians in descending order starting with the technician with the highest score first. The retention register documents any action being taken and is required in every reduction in force, even when the released technician occupies the only position in the competitive level. In preparing the register, NGB Form 351-1, Retention Register, will be used.

b. When establishing the register, all competing technicians will be listed in descending order by tenure groups I, II, and III. The technician's correct tenure is shown in item 7 of the SF 50. Group I includes technicians under career/permanent appointments who are not serving on probation or trial periods, and Group II includes technicians serving on probation or trial periods. Group III includes all technicians who have been given indefinite appointments in the excepted service. The following criteria will be used to determine retention standing within each tenure group:

(1) Technician performance appraisal score, 0-100 points. However, those technicians with an overall performance appraisal of unacceptable will be placed at the bottom of retention registers after tenure Groups I and II are listed, regardless of the number of points they have. They may only compete with or displace other technicians with unacceptable performance appraisals.

(2) Service Computation Date (for ties)

(3) Technician Service Date (further tie breaker)

c. Factors that may affect a technician's retention standing and must be taken into consideration are probation/trial periods (projected dates of completion should be used), appeals, and new ratings if an appeal is processed before the effective date of a reduction in force. This means that an officially approved performance appraisal or military rating currently on file will be the one used once reduction in force authority has been granted. Once authority for a reduction in force has been received, receipt of a new performance appraisal or military rating will not affect the technician's retention standing in the current reduction in force. However, if a decision on an appealed performance appraisal is issued prior to the effective date of reduction in force personnel actions, the new appraisal will be used. Therefore, rating cycles should be considered in conducting a reduction in force.

d. All competing technicians are listed on a retention register for a competitive level based on the positions to which they are officially assigned. This does not include positions to which technicians are temporarily promoted, reassigned, detailed, or serving under saved grade. For reduction in force processing, such technicians must be placed on the retention register according to their properly classified positions. Competition in a reduction in force must also include technicians on annual leave and leave without pay, except for those technicians on military duty. Technicians on military duty with restoration rights do not compete in a reduction in force that occurs in their absence. Even though their former position may be abolished, their restoration rights to another position will not be affected.

CHAPTER 5. ORDER OF RELEASE FROM COMPETITIVE LEVELS (REQUIREMENT 3)

a. When reduction in force requires the release of one or more competing technicians from a competitive level, all technicians in group III are selected for release before any in group I or II, and all in group II before any in group I. In each group, technicians are selected for release in the order of their retention score, beginning with the lowest score.

b. In certain cases, it may be necessary to grant an exception to the normal order of release of technicians. Such exceptions should only be used in unusual situations, and will require justification to show why such action was taken. Also, higher-standing technicians must be informed whenever any lower-standing technician is retained beyond the effective date of the specific notices. The following situations are examples of when such exceptions might be necessary:

8-3. PRIORITY PLACEMENT

All technicians entitled to grade retention as a result of reduction in force will be afforded priority placement for vacant positions. Such placement action will be in accordance with the procedures listed in Part III-NATIONAL GUARD PLACEMENT PLAN FOR TECHNICIANS UNDER GRADE RETENTION (NGB TPR 335)).

CHAPTER 9. MAINTENANCE OF RECORDS AND FILES (REQUIREMENT 7)

The maintenance and disposition of all reduction in force records and files will be in accordance with AR 340-18-8. These files should contain all records necessary to reconstruct the reduction in force, and show how retention standings and personnel actions were completed. The files should include the authorization for a reduction in force, any manpower documents used, retention registers, copies of general and specific notices, and any other related documents. The entries in the remarks column of each register should show what action was taken for each technician.

FOR THE ADJUTANT GENERAL:


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APPENDIX A. TRANSFER OF FUNCTION

a. A transfer of function means the transfer of the performance of a continuing function from one competitive area and its addition to one or more other competitive areas, or the movement of the competitive area in which the function is performed to another competing area. Thus, the operation of the function must cease in one competitive area and must be carried on in an identifiable form in another competitive area. In contrast, movements of activities or assignments within a competitive area are not considered a transfer of function.

b. When a transfer of function occurs, it should be announced as early as possible, and the technician must be given at least a 60-day notice. This notice will provide him with information about the transfer and will ask for his decision regarding the move. This notice will also advise the technician that failure to accept the transfer will result in termination from employment and that the 30-day advance notice required by 32 USC 709(e)(6) starts the day after the technician receives the notice. In order to assist technicians in making decisions on whether or not to accompany their function, they should be provided with as much information as possible regarding the new location. This would include information on housing, schools, PCS, severance pay, grade retention, and retirement for those technicians who may be eligible.

c. Although technicians who decline to transfer with their function are not entitled to placement rights under reduction in force procedures, attempts should be made to place them in continuing vacant positions whenever possible. Reduction in force procedures will only be used when a discontinued function results in the abolishment of positions, rather than moving positions to a new location.

APPENDIX B. APPEALS AND CORRECTIVE ACTION

C-1. TECHNICIAN APPEAL

A competing technician may appeal to the Adjutant General when he has received a specific notice of a reduction in force, and he believes that the SPMO incorrectly applied the provisions of this TPR. He may submit an appeal once he receives a specific notice, but no later than 30 calendar days before the effective date of the action. The appeal must be in writing and must identify the technician by name, SSAN, grade, position title, job number, and place of employment. The appeal must clearly state the reason the technician believes the action affecting him is inappropriate, and must show that the SPMO failed to comply with the reduction in force procedures in this TPR. Some examples of this would be: insufficient notice; improper tenure grouping; service computation date errors, and failure to permit the technician to review pertinent regulations and the retention register in which he was listed.

C-2. EXTENDING THE TIME LIMIT

The Adjutant General may extend the appeal time limit when the technician indicates that he was not notified of a time limit and otherwise was not aware of it, or that circumstances beyond his control prevented him from appealing within the time limit.

C-3. DECISION ON THE APPEAL

The Adjutant General will issue a written decision and, where applicable, direct the SPMO to take any necessary corrective action. A copy of the decision stating what corrective action will be taken is then forwarded to the technician. The decision of the Adjutant General is final, and there is no further right of appeal.

C-4. CORRECTIVE ACTION

The decision of the Adjutant General may require the SPMO to take corrective action as follows:

- a. Correct the retention register.
- b. Correct the technician's specific notice.
- c. Restore the technician to his former grade or pay level or one of like seniority, status, and pay when the technician was reduced or separated improperly.
- d. Reimburse the technician for all pay lost as a result of any improper reduction in force action.

When a technician's appeal uncovers an error that does not change the outcome of the reduction in force as conducted, the Adjutant General will correct the error without requiring restoration or recall of the technician or technicians involved.